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**From:** Wehling, Carrie [Wehling.Carrie@epa.gov]  
**Sent:** 6/24/2020 7:33:27 PM  
**To:** Neugeboren, Steven [Neugeboren.Steven@epa.gov]; Fotouhi, David [Fotouhi.David@epa.gov]  
**CC:** Kupchan, Simma [Kupchan.Simma@epa.gov]  
**Subject:** FW: FL Assumption permitting issue

David – FYI, sounds like this paper is coming to you directly; and before we’ve seen and/or digested it.

Caroline (Carrie) Wehling  
Assistant General Counsel  
Water Law Office  
U.S. Environmental Protection Agency  
Washington DC 20004  
202-564-5492  
wehling.carrie@epa.gov

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**From:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Sent:** Wednesday, June 24, 2020 3:24 PM  
**To:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Cc:** Wehling, Carrie <Wehling.Carrie@epa.gov>  
**Subject:** RE: FL Assumption NOC

Matt,

Thanks for letting us know that Mary is sending these issues to David. I actually gave him a heads up on a separate call today, and it will be helpful to have the feedback from Mary, too.

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt <Hicks.Matthew@epa.gov>  
**Sent:** Wednesday, June 24, 2020 3:22 PM  
**To:** Kupchan, Simma <Kupchan.Simma@epa.gov>  
**Subject:** RE: FL Assumption NOC

Simma,

FYI that I just got off a call with Mary Walker and she is about to send my 6/19 outline of issues with the 5-year permit/LTCP notice of change language to David Fotouhi. I explained to her that we are working with you to evaluate the issues to see whether any warrant elevation to leadership. I think she is mindful of the time pressures we’re facing and wanted to bring this to David’s attention asap.

Thanks,

Matt

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**From:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 3:10 PM  
**To:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Subject:** RE: FL Assumption NOC

Thanks so much!

Simma Kupchan  
EPA Office of General Counsel  
Water Law Office  
WJC North Building # 7426Q  
202-564-3105

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**From:** Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>  
**Sent:** Wednesday, June 24, 2020 2:54 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** FW: FL Assumption NOC

Simma,

See my legal analysis on items 2, 3, and 4 in blue added to my initial analysis on items 1, 5, and 6 in red below. Please let me know if you'd like to discuss.

Thanks,

Matt

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**From:** Hicks, Matt  
**Sent:** Wednesday, June 24, 2020 10:32 AM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>  
**Cc:** Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>  
**Subject:** FW: FL Assumption NOC

Simma,

Here's what I have so far. I ran out of time on 2, 3, and 4 but will give some more thought to it before lunch. I wanted to send this to you now so that you can start reviewing.

Thanks,

Matt

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**From:** Hicks, Matt  
**Sent:** Friday, June 19, 2020 12:16 PM  
**To:** Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Laycock, Kelly <[laycock.kelly@epa.gov](mailto:laycock.kelly@epa.gov)>; Hurlid, Kathy <[Hurlid.Kathy@epa.gov](mailto:Hurlid.Kathy@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>  
**Subject:** FL Assumption NOC

Team,

# **Ex. 5 AC/DP**

# **Ex. 5 AC/DP**